



POLICY STATEMENT

Subject: Accommodation	Issued: 02/20/09	Policy Section: HR
	Revised: 10-19-15	Page: 1 of 4

The Department of Economic Development (DED) complies with the Americans with Disabilities Act (ADA) and is committed to the fair and equal employment of people with disabilities. DED does not discriminate against qualified job applicants or employees with disabilities with regard to job application procedures, hiring, employee compensation, advancement, training, discharge or other terms, conditions and privileges of employment.

Qualified job applicants and employees with disabilities shall be provided reasonable employment-related accommodations when necessary, unless the accommodation would impose an undue hardship. This policy provides guidelines for employees and job applicants who wish to apply for reasonable accommodations with DED and prescribes the steps employees and job applicants should take if he or she is the victim of discrimination or retaliation in his or her request for an accommodation.

Resources

- U. S. Equal Employment Opportunity Commission, Chapter XIV – Part 1630 – Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act: <http://www.eeoc.gov>
- Job Accommodation Network (JAN): Website available for questions related to workplace accommodations or the Americans with Disabilities Act (ADA) - www.askjan.org
- DED Harassment and Discrimination Policy

Definitions

Disability: An individual with a disability has:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such an impairment; or
- Is regarded as having such an impairment.

Essential Functions: The fundamental job duties that an employee must be able to perform with or without the help of a *reasonable accommodation*. The term “essential functions” does not include the marginal functions of the position.

Major Life Activities: Functions including, but not limited to:

- Caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, eating, sleeping, reading, concentrating, thinking, communicating and working.
- Impairments that are episodic or in remission if it would substantially limit a major life activity when active.



POLICY STATEMENT

Subject: Accommodation	Issued: 02/20/09	Policy Section: HR
	Revised: 10-19-15	Page: 2 of 4

- Operations of major bodily functions, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Qualified individual or applicant with a disability: A person who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks, and who can perform the *essential functions* of the position with or without *reasonable accommodation*.

Reasonable accommodation:

- Modifications or adjustments to a job application process that enable a *qualified applicant with a disability* to be considered for the position such qualified applicant desires; or
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a *qualified individual with a disability* to perform the essential functions of that position; or
- Modifications or adjustments that enable a covered entity's *qualified employee with a disability* to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Undue hardship: An undue hardship exists if an accommodation:

- Would cause an employer to incur significant difficulty or expense, in comparison to the financial resources available to the employer.
- Is overly extensive, substantial, or disruptive or would alter the nature or operation of the business.

An employer is not obligated to make an accommodation that would cause an "undue hardship."

Accommodation Request Procedure for Employees

1. Employees may request an accommodation by completing DED's Accommodation Request Form and submitting it, along with supporting medical documentation, if applicable, to Human Resources. Employees may request accommodations verbally or in writing; however, Human Resources requests that, whenever possible, employees utilize the Accommodation Request Form.
2. In an effort to determine if the employee is a qualified individual with a disability and evaluate whether the request for an accommodation presents an undue hardship, Human Resources may:
 - Discuss the requested accommodation with the employee.



POLICY STATEMENT

Subject: Accommodation	Issued: 02/20/09	Policy Section: HR
	Revised: 10-19-15	Page: 3 of 4

- Discuss the purpose and essential functions of the particular job involved with the supervisor/manager and the employee.
 - Identify/evaluate potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job. While an individual's preference will be given consideration, DED is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
 - Through discussion with the Director, assess whether the accommodation presents an undue hardship.
3. Human Resources has a right to seek medical verification of the disability, work restrictions, and medical need for accommodation.
 4. If the disability or need for accommodation is not obvious, DED may ask the employee to provide supporting documents showing that the employee has a disability within the meaning of the ADA and applicable state or local laws, and that the disability necessitates a reasonable accommodation. If the information provided in response to this request is insufficient, DED may seek further clarification from the employee's medical provider, with permission from employee, or ask that the employee see a healthcare professional of DED's choosing, at DED's expense.
 5. Human Resources has the right to deny the accommodation request if it is determined by DED that the employee is not fully cooperating with Human Resources during the process.

Final Decision

- Human Resources will provide a decision regarding the employee's request for a reasonable accommodation as quickly as reasonably possible.
- If an employee believes that a decision regarding reasonable accommodation has been reached for discriminatory reasons, he or she may file a complaint with the Missouri Commission on Human Rights or the U.S. Equal Employment Opportunity Commission.

Accommodation Request Procedures for Job Applicants

1. The job applicant shall inform Human Resources of the need for an accommodation, preferably in writing in order to participate in the interview and or testing process.
2. Human Resources will discuss the requested accommodation and possible alternatives with the applicant.
3. Human Resources will discuss the interview and/or testing accommodation request with Departmental staff when applicable to determine if the accommodation request presents an undue hardship.



POLICY STATEMENT

Subject: Accommodation	Issued: 02/20/09	Policy Section: HR
	Revised: 10-19-15	Page: 4 of 4

4. Human Resources will make a decision regarding the interview and/or testing request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.
5. If offered a position, the job applicant shall inform Human Resources of the need for an employment accommodation, preferably in writing in order to perform the essential job responsibilities.
6. Human Resources will discuss the requested employment accommodation and possible alternatives with the applicant.
7. Human Resources will discuss the employment accommodation request with Departmental staff and assess the impact to the essential job functions and determine if the accommodation creates an undue hardship.

Final Decision

If an applicant or employee believes that a decision regarding reasonable accommodation has been reached for discriminatory reasons, he or she may file a complaint with the Department. Please refer to the Department's Harassment and Discrimination Policy.

Retaliation

Retaliation occurs when an employer takes an adverse action against a covered individual because he or she engaged in a protected activity. The Department prohibits retaliation against a job applicant or employee from exercising his/her right to request an accommodation. The following is a non-exclusive list of actions that may be retaliation: termination, refusal to hire, denial of promotion, intimidation, harassment, threat(s), withholding of employment benefits and/or opportunities.

If a job applicant or employee believes he or she is the victim of retaliation, he or she may file a complaint with the Missouri Commission on Human Rights or the U.S. Equal Employment Opportunity Commission.